

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Burton

Plaintiff(s),

v. Chicago Public Schools
Damir Ara, Mollie Hart, Gabriela
Gonzalez, Mary Ernesti

Defendant(s).

17-cv-01337**Judge Amy J. St. Eve****Magistrate Judge M. David Weisman****RECEIVED**FEB 21 2017 *W*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Annie Burton of the
county of Cook in the state of Illinois.
3. The defendant is Chicago Public Schools, whose
street address is 42 West Madison Street,
(city) Chicago (county) Cook (state) IL (ZIP) 60602
(Defendant's telephone number) (312) - 553-1000
4. The plaintiff sought employment or was employed by the defendant at (street address)
42 West Madison (city) Chicago
(county) Cook (state) IL (ZIP code) 60602

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) May, (day) 24, (year) 2016.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) January (day) 4 (year) 2017.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year)_____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day)_____ (year)_____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ No, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month) February (day) 10 (year) 2017 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only
those that apply*]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983). Yes
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant ***[check only those that apply]***
- (a) ☐ failed to hire the plaintiff.
 - (b) ☒ terminated the plaintiff's employment.
 - (c) ☐ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☐ failed to stop harassment;
 - (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☐ other (specify): _____

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

~~See attached~~

13. The facts supporting the plaintiff's claim of discrimination are as follows:

~~See attached~~

On or about November 28, 2016, I was
wrongly terminated by Mary Ernesti after
I complained about retaliation, workplace
intimidation, harassment, civil rights violation,
age discrimination, disability discrimination, child
abuse, fire code violations to Chicago Public Schools.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

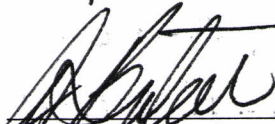
- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): award punitive, compensatory, treble and statutory damages plus attorney fees

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.


(Plaintiff's signature)

Annie Burton
(Plaintiff's name)

PO Box 147313
(Plaintiff's street address)

(City) Chicago (State) IL (ZIP) 60614

(Plaintiff's telephone number) 312 - 813-9650

Date: _____

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Annie Burton**
Po Box 147313
Chicago, IL 60614

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2017-00969

Daniel Gajda,
Investigator

(312) 869-8131**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

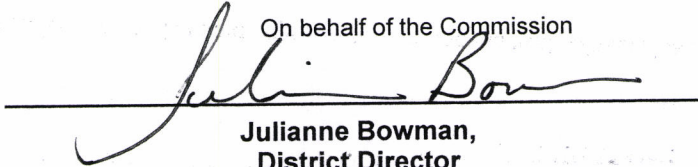
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Julianne Bowman,
District Director

2/1/17
 (Date Mailed)

Enclosures(s)

cc: **CITY OF CHICAGO BOARD OF EDUCATION**
c/o Susan O'Keefe
Deputy General Counsel
1 North Dearborn, Suite 900
Chicago, IL 60602

EEOC Form 5 (11/09)

| | | | |
|---|--|--|--|
| CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form. | | Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 440-2017-00969 </div> </div> | |
| Illinois Department Of Human Rights and EEOC <i>State or local Agency, if any</i> | | | |
| Name (indicate Mr., Ms., Mrs.) Ms. Annie Burton | | Home Phone (Incl. Area Code) (312) 450-1522 | Date of Birth 1960 |
| Street Address City, State and ZIP Code Po Box 147313, Chicago, IL 60614 | | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | |
| Name CHICAGO PUBLIC SCHOOLS- LANE TECH COLLEGE PREP HIGH SCHOOL | | No. Employees, Members 500 or More | Phone No. (Include Area Code) (773) 534-5400 |
| Street Address City, State and ZIP Code 2501 W Addison St, Chicago, IL 60618 | | | |
| Name | | No. Employees, Members | Phone No. (Include Area Code) |
| Street Address City, State and ZIP Code | | | |
| DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div> | | DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <div style="text-align: right;">11-28-2016</div> <div style="margin-top: 10px;"><input type="checkbox"/> CONTINUING ACTION</div> | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I began my employment with Respondent in or around September 2014. My most recent position was Substitute Teacher. During my employment, I was subjected to harassment. I complained to no avail. Subsequently, I was suspended and accused of something I did not do and on or about November 28, 2016, I was discharged.</p> <p>I believe that I have been discriminated against because of my race, Black, and retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <p>I believe that I have been discriminated against because of my age, 56 (YOB: 1960), and retaliated against, in violation of the Age Discrimination in Employment Act of 1967, as amended.</p> <p>I believe that I have been discriminated against because of my disability, and retaliated against, in violation of the Americans with Disabilities Act of 1990, as amended.</p> <div style="text-align: right; opacity: 0.5; font-weight: bold; font-size: 1.2em;">RECEIVED EEOC JAN 04 2017</div> | | | |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. | | NOTARY - When necessary for State and Local Agency Requirements | |
| I declare under penalty of perjury that the above is true and correct. <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Jan 04, 2017 Date </div> <div style="text-align: center;">  Charging Party Signature </div> </div> | | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) | |